

IN SENATE OF THE UNITED STATES.

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MAY 24, 1836.

Read, and ordered to be printed.

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Mr. GOLDSBOROUGH made the following

REPORT,

WITH SENATE BILL NO. 268.

*The Committee on Commerce, to whom was referred the petition of David Robinson and Ebenezer Robinson, report:*

That, from the evidence presented to the committee, it appears that, in August, A. D. 1813, during the war with Great Britain, the petitioners, together with James Robinson, father of said Ebenezer, both since deceased, being at a place called Robinson's island, on the coast of Maine, discovered a vessel of suspicious appearance and conduct, and, believing her to be an English privateer, resolved to attempt her capture, and for that purpose boarded her at anchor, and found two men on board, whom they disarmed, and then met the boat belonging to the vessel returning from the shore, having on board the captain and rest of the vessel's crew, consisting of five men, whom the petitioners and their associates also disarmed, and who stated that they were American citizens, and that their vessel was an American privateer. On returning to the vessel, one of the men on board was discovered in the act of throwing something overboard, which the captors watched, and, upon its rising to the surface, some yards astern of the vessel, seized and secured it, and it proved to be a package of papers of about a foot square, secured with lead and marline, and appeared to have had a weight designed to sink it, but which had slipped out; that the vessel captured was a small schooner called the *Lydia*, disguised as a fisherman, but fitted out under a privateer's commission, and appears to have been designed to carry on a system of collusive captures or illicit intercourse with the enemy. After the package had been taken by the captors, and before they had left the vessel, a man by the name of Quinn, who had come on board the *Lydia* from the shore after the capture, offered the captors a bag of gold and silver, described to be of the size of a shot-bag, and containing gold principally, to deliver up the vessel and the package, which was refused; and the package was immediately afterwards carried to Castine, and delivered to Josiah Hook, Esq., collector of the customs for that port, as a matter of importance to the Government. It had not then been opened, and the collector, at the time of receiving it, declined opening it, alleg-

ing that he had no authority to do so, but that the package must be sent to the seat of Government; but that the collector did subsequently open it, and transmitted a part of the papers to the Secretary of the Treasury, and retained and otherwise disposed of a part. The package was found to contain letters from merchants in the United States to persons in England, many of them under feigned names, and one in cipher, and a large amount of bills of exchange, developing the mode by which large amounts of British goods were to be introduced into the United States; the manner in which they were to be disguised; the rules by which their introduction was to be effected, and other particulars important to the Government. From these papers, as well as from other information, it appears to the committee that there was at that time an extensive system of collusive captures and illicit intercourse with the enemy devised, and in the process of execution, by merchants of wealth and credit residing in the United States, and that the capture and possession of these papers enabled the Executive officers of the Government to defeat and destroy that system, by seizing one or more of the vessels on board which the British goods had previously been shipped, and arresting the progress of further intended shipments, and by the guilty principals being aware that their papers and plans had come to the knowledge of those officers. Sometime after the delivery of the package to Hook, David Robinson, one of the petitioners, and said James Robinson, deceased, received of said Hook the sum of \$900 for the half due all the four captors, on account of a sum raised by Hook for information by him given to enable a seizure to be made by the collector of Waldoborough. The sum received by Hook was \$2,000, from which he deducted \$200 for his time, trouble, and expenses, and paid half the residue to the said captors. It appears that he also received \$400 as a present, as he alleged, from the collector at Waldoborough, of which he paid no part to the captors.

After several years the said James Robinson, deceased, commenced and prosecuted a suit in equity in the circuit court of the United States, of the first circuit, against said Hook, for further compensation and reward, but did not succeed by evidence in so connecting the services made by Hook with the information derived from the package as to entitle himself to a decree.

It appears that the original letter in cipher, and copies of many, perhaps all the other letters, were transmitted by Mr. Hook to the Secretary of the Treasury; but the bills of exchange appear to have been retained by Hook, and delivered up by him to the drawers.

The committee are satisfied that the capture and delivery of the papers to the collector was a meritorious act, beneficial to the country, in arresting the execution of excessive and systematized plans of co-operation between internal and external enemies in time of war; and that the captors might have taken the bag of money which was tendered to them at the time of the capture, or subsequently many thousands of dollars from the wealthy individuals connected with these transactions, if they had chosen to deliver up the papers; and that public policy requires that the Government should extend to them some token of acknowledgment and approbation of the services rendered.

Your committee are aware that this is not in the nature of a debt, nor of a claim for the liquidation of which there can be any specific measure

of compensation ; nor are such cases of so frequent recurrence as to have given rise to many similar applications. Convinced, as your committee are, that, upon principles of sound public policy, such meritorious and useful acts by poor and humble citizens ought, when pressed upon the consideration of Congress by memorial, to meet a just reward, yet they have had difficulty, from the undefined nature of the service, in fixing upon a suitable remuneration, but have recommended the giving them the sum of one thousand dollars, which, with the amount before received of the collector at Castine, is, in the opinion of the committee, far short of the sum which the petitioners and their associates might have obtained if they would have consented to surrender the papers to those interested in suppressing the information therein contained.

The committee report a bill accordingly.

